

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THEIA TECHNOLOGIES, LLC	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:20-cv-00097-GEKP
	:	
THEIA GROUP, INCORPORATED,	:	
	:	
-- and --	:	
	:	
THEIA HOLDINGS A, INC.	:	
	:	
Defendants.	:	
	:	

**DECLARATION OF ERLEND OLSON IN SUPPORT OF THEIA GROUP'S RESPONSE
TO PLAINTIFFS' NEW EVIDENCE, NEW ALLEGED CLAIM, AND NEW
REQUESTED PRELIMINARY RELIEF IN ITS PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW IN SUPPORT OF ITS MOTION FOR PRELIMINARY
INJUNCTION**

I, Erlend Olson, hereby declare as follows:

1. I am Chief Operating Officer for, and one of the founders of, Theia Group, Incorporated and Theia Holdings A, Inc. (collectively, "Theia Group"). I am personally knowledgeable of the matters stated herein and make this declaration in support of Theia Group's Response to Theia Technologies' New Evidence, New Alleged Claim, and New Requested Preliminary Relief in connection with its Motion for Preliminary Injunction.

2. Joseph Fargnoli (Joe) and I formed Theia Group in September 2015. Attached hereto as Exhibit A is a true and correct copy of a printout from the Delaware Secretary of State's website showing Theia Group, Incorporated's incorporation date of September 9, 2015.

3. Joe and I created the company for the purpose of creating a digital model of the earth, so that we could bring modern digital tools and processing methods to help physical industries and sovereign nations solve physical world problems such as increasing agriculture efficiency, monitoring road and pipelines and infrastructure for problems, and securing national borders. The digital model will be created by the Theia Satellite Network. The Theia Satellite Network is the central aspect of our business plan, enabling the creating of a digital video of the earth in multiple wavelengths of light. We will then analyze this digital representation in real-time for various physical world problems with a giant cloud computer network on the ground.

4. I selected the name Theia for our company because of the association with the Greek goddess Theia, goddess of light and insight. Theia Group's services will also bring light and insight to the earth through real-time data capture and analysis.

5. In 2016, we began the process of applying to the Federal Communications Commission for approval for deployment and operation of the Theia Satellite Network. We received that approval in May 2019.

6. Attached hereto as Exhibit B is a true and correct copy of Theia Group's March 2017 business plan. In that plan, we set forth the plans for the Theia Satellite Network and for what we call "Decision-Grade Analytics." As we described in 2017, Theia Group will use our remote sensing instruments to acquire data with sufficient spatial, temporal and spectral resolutions and signal-to-noise ratios that allow for a high level of accuracy in detecting, identifying, and characterizing objects and processes in the physical world. As we also described in 2017, these Decision-Grade Analytics were not new to the founding members of Theia Group, as we had already proven the power of such analytics using aircraft for several decades prior to our formation of Theia Group. Our founding plan for Theia Group was to use satellites to create

even more powerful and wide-reaching data collection and analysis than we could perform from aircraft.

7. Launching a satellite network of the scope of the Theia Satellite Network will take several years, including the government approval processes already received, and developing and manufacturing the satellites. In the interim, we created what we called an “Early Adopter Program”, under which we provide selected sovereign nations with data analysis using data captured from aircraft before transitioning those nations to the Theia Satellite Network after its launch.

8. One of Theia Group’s approaches to obtaining the necessary capital for building and launching the Theia Satellite Network involves offering data analytics services to sovereign nation-states. We call this program our Master Partner Program (MPP), which we also described in our 2017 business plan. Sovereign nations in the MPP will receive data from digitization of their regions as captured by the Theia Satellite Network and, in the interim, by equipped aircraft. In addition to receiving the data and analytics that Theia produces from that region during the interim period, the plan was for sovereign nations in the MPP to receive (i) a complete data center with software, analytics processing, and THEIA GROUP personnel, (ii) communications equipment, and (iii) two specially equipped aircraft. (*See Exhibit B at page 23.*) During the interim period, Theia Group would equip the aircraft with its hardware and remote sensors to emulate the functions of the Theia Satellite Network and use that aircraft to collect the data used in our analytics services for the sovereign nations in the MPP. Theia Group is currently equipping aircraft that it will use to collect data for MPP analytics services.

9. As part of the MPP, Theia Group also currently intends to provide Theia Satellite Network communication satellites to certain sovereign nations for use by those sovereign nations. For example, an MPP Agreements that we signed in February 2019 includes agreements

for the provision of the equipped aircraft and for two communications satellites. (See Defendants' Hearing Exhibit 6.)

10. Theia Group filed its trademark applications in June 2018. The applications covered remote sensing of data for the data analysis and the data analytics services that Theia Group intended to offer at that time and has intended to offer since its founding. They also included satellite hardware and integrated circuit modules that will be provided to sovereign nations as part of the Theia Satellite Network satellites, and in the interim as part of the equipped aircraft, they will be allocated in return for access to Theia Group's data analytics.

11. Theia Group's intent is evidenced by its 2019 application for a commercial license for the Theia Satellite Network in 2019. Attached hereto as Exhibit C is a true and correct copy of Theia Group's December 2019 letter to the National Oceanic and Atmospheric Administration regarding the fact that, at that time, after over an 18 month period since original application, Theia Group's commercial license to build and launch the Theia Satellite Network was approved.

12. Theia Group is headquartered in Washington, D.C. We set up our headquarters in Washington D.C. in June 2018. Theia Group also has offices in Philadelphia which we set up in 2015. Last month, we announced our subsidiary Group Orion in Albuquerque, New Mexico, where we plan to build a facility.

13. Attached hereto as Exhibit D is a true and correct copy of the announcement located at <https://www.cabq.gov/mayor/news/neighborhood-coalition-holding-public-meeting-on-development-opportunity-near-sunport> (last visited October 15, 2020).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 15, 2020

ERLEND OLSON



CERTIFICATE OF SERVICE

I, FRANK J. BONINI, JR., ESQUIRE, attorney for Defendants Theia Group, Incorporated and Theia Holdings A, Inc. hereby certify that I filed the within DECLARATION OF ERLEND OLSON IN SUPPORT OF THEIA GROUP'S RESPONSE TO PLAINTIFFS' NEW EVIDENCE, NEW ALLEGED CLAIM, AND NEW REQUESTED PRELIMINARY RELIEF IN ITS PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ITS MOTION FOR PRELIMINARY INJUNCTION electronically and it is now available for viewing and downloading from the ECF system for the following:

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Date: October 15, 2020